

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

| | | |
|-------------------------|---|--------------------------------|
| PROVIDENCE NEIGHBORHOOD |) | |
| ASSOCIATION, INC., |) | |
| |) | |
| Plaintiff, |) | Civil Action File |
| |) | No. |
| v. |) | |
| |) | On Removal from Superior Court |
| STATE FARM FIRE AND |) | of Gwinnett County |
| CASUALTY COMPANY, |) | Civil Action No. 23-A-05203-5 |
| |) | |
| Defendant. |) | |

NOTICE OF REMOVAL

COME NOW, State Farm Fire and Casualty Company (“**State Farm**”), and without waiving its affirmative defenses, and within the time prescribed by law, files this Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446, respectfully showing the Court the following facts:

1.

On June 14, 2023, Plaintiff filed a Complaint against State Farm in the State Court of Gwinnett County, Georgia, styled as *Providence Neighborhood Association Inc. v. State Farm Fire and Casualty Company*, and assigned Civil Action File No. 23-A-05203-5 (the “State Court Action”). True and correct copies

of all filings to date in the State Court Action are collectively attached hereto as **Exhibit “1”**.

2.

State Farm was served on June 20, 2023. This Notice of Removal is filed within 30 days of June 20, 2023, the date on which State Farm was served with the Complaint and notice of the subject lawsuit. This Notice of Removal is also filed within one year of the commencement of the action. Thus, removal is timely under 28 U.S.C. § 1446(b).

3.

The United States District Court for the Northern District of Georgia, Atlanta Division, includes Gwinnett County, Georgia. Thus, removal to this Court is proper under 28 U.S.C. § 1441(a).

4.

In its Complaint, Plaintiff alleges that its property was damaged on or around August 1, 2021 and June 16, 2022. [Compl. ¶ 10]. Plaintiff further alleges that State Farm issued an Insurance Policy to Plaintiff that was in effect at the time of the alleged storm event. [Compl. ¶ 6]. In addition to recovery for the alleged damage, Plaintiff seeks a bad faith penalty equal to not more than 50% of the liability of State Farm or \$5,000, whichever is greater, and attorney fees. [Compl.

¶¶ 38]. Although Plaintiff does not itemize its damages, based upon the foregoing, and based upon express statements by Plaintiff within the Complaint, Plaintiff is seeking damages in excess of \$75,000.00 [Compl. ¶ 17]. Specifically, Plaintiff alleges that it sent a demand for \$1,961,395.91 to settle the claim. [*Id.*] Thus, the amount of damages Plaintiff seeks in this action is greater than \$75,000.

5.

Defendant State Farm Fire and Casualty Company is a corporation organized under the laws of the State of Illinois with its principal place of business in the State of Illinois. It is not a citizen of the State of Georgia, was not a citizen of the State of Georgia on the date of filing of the aforesaid civil action and has not been thereafter.

6.

Plaintiff is an entity of Cobb County, Georgia. As such, Plaintiff is a citizen of the State of Georgia.

7.

Because Plaintiff and State Farm are citizens of different States, complete diversity exists between Plaintiff and State Farm in accordance with 28 U.S.C. § 1332(a)(1).

8.

As shown above, the amount in controversy exceeds the sum of \$75,000, exclusive of interests.

9.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 of the United States Code §1332, and, accordingly, is one which may be removed to this Court by State Farm pursuant to the provisions of Title 28 of the United States Code §1441, in that it is a civil action in which the matter in controversy exceeds the sum of \$75,000.00 exclusive of interest and costs and is between Plaintiff, which is a citizen of Georgia and State Farm, which is a citizen of Illinois.

10.

State Farm has given written notice of the filing of this Notice of Removal to Plaintiff by notifying its attorneys of record, J. Remington Huggins and Michael D. Turner of The Huggins Law Firm, LLC, 110 Norcross Street, Roswell, Georgia 30075. State Farm also filed a written notice with the clerk of the State Court of Gwinnett County, Georgia a copy of said notice being attached hereto and made in part hereof.

WHEREFORE, State Farm prays that this case be removed to the United States District Court for the Northern District of Georgia, Atlanta Division.

This 12th day of July, 2023.

SWIFT CURRIE MCGHEE & HIERS

/s/ Kayla M. McCallum

Melissa A. Segel

Georgia Bar No. 020406

Kayla M. McCallum, Esq.

Georgia Bar No. 240946

Attorneys for Defendant

1420 Peachtree Street NE

Suite 800

Atlanta, GA 30309

(404) 874-8800

melissa.segel@swiftcurrie.com

kayla.mccallum@swiftcurrie.com

CERTIFICATE OF COMPLIANCE

Pursuant to LR 7.1(D) of the Northern District of Georgia, I hereby certify that this document was prepared in Times New Roman font, 14 point, pursuant to LR 5.1(C).

SWIFT, CURRIE, McGHEE & HIERS, LLP

/s/ Kayla M. McCallum

Melissa A. Segel

Georgia Bar No. 020406

Kayla M. McCallum, Esq.

Georgia Bar No. 240946

Attorneys for Defendant

1420 Peachtree Street NE

Suite 800

Atlanta, GA 30309

(404) 874-8800

melissa.segel@swiftcurrie.com

kayla.mccallum@swiftcurrie.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically filed *Notice of Removal* with the Clerk of Court using the CM/ECF System which will notify counsel of record as follows:

J. Remington Huggins
Michael D. Turner
The Huggins Law Firm, LLC
110 Norcross Street
Roswell, GA 30075
remington@lawhuggins.com
mdturner@lawhuggins.com
Attorneys for Plaintiff

This 12th day of July, 2023.

SWIFT CURRIE MCGHEE & HIERS

/s/ Kayla M. McCallum
Melissa A. Segel
Georgia Bar No. 020406
Kayla M. McCallum, Esq.
Georgia Bar No. 240946
Attorneys for Defendant

1420 Peachtree Street NE
Suite 800
Atlanta, GA 30309
(404) 874-8800
melissa.segel@swiftcurrie.com
kayla.mccallum@swiftcurrie.com